

(1) Second Account and Report of Guardian, (2) Petition for Authorization to Transfer and Invest Funds and (3) for Allowance of Fees to Attorney for Guardian
 [Prob. C. 2456, 2570, 2574, 2620 & 2640]

Age: 13 years		STEPHANIE LASSLEY , mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/1/11 – 3/8/13	
		Accounting - \$738,087.32	1. Need Judicial Council form Blocking Order. California Rules of Court, Rule 7.101(a). Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday, July 12, 2013, 2013 at 9:00 a.m. in Department 303, for the filing receipt for blocked account. Friday, May 15, 2015 at 9:00 a.m. in Department 303, for the filing of the third account or petition Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
		Beginning POH - \$691,022.37	
		Ending POH - \$711,653.32 (\$54,653.32 is cash)	
Cont. from		Attorney - \$645.00 (per itemization and declaration for 6.45 hours @ \$200/hr. for a total of \$1,290 with from this guardianship estate and the other ½ being paid by the guardianship of Graceon Lassley page 2 of this calendar).	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney costs - \$101.00 (certified copies)	
<input checked="" type="checkbox"/>	Verified	Guardian costs - \$435.00 (filing fee)	
<input type="checkbox"/>	Inventory	Scharton, Jones & German - \$760.00 (for preparation of taxes)	
<input type="checkbox"/>	PTC	Petitioner requests the authority to withdraw the balance of the Bank of America account and deposit it into a blocked account at Morgan Stanley for reinvestment into mutual funds authorized by Probate Code §2574. Morgan Stanley be authorized to disburse the sum of \$650.00 per month to Stephanie Lassley pursuant to Court order dated 3/19/2013.	
<input type="checkbox"/>	Not.Cred.	Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Notice of Hrg	1. Approving, allowing and settling the second account;	
<input checked="" type="checkbox"/>	Aff.Mail W/	2. Authorizing payments of attorney fees and costs;	
<input type="checkbox"/>	Aff.Pub.	3. Authorizing the guardian to transfer the remaining cash at Bank of America and place it into a blocked investment account at Morgan Stanley;	
<input type="checkbox"/>	Sp.Ntc.	4. Authorizing Morgan Stanley to disburse \$650.00 per month from the blocked account to Stephanie Lassley.	
<input type="checkbox"/>	Pers.Serv.		Reviewed by: KT Reviewed on: 6/10/2013 Updates: Recommendation: File 1 – Lassley
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

(1) Second Account and Report of Guardian, (2) Petition for Authorization to Transfer and Invest Funds and (3) for Allowance of Fees to Attorney for Guardian
[Prob. C. 2456, 2570, 2574, 2620 & 2640]

Age: 14 years		STEPHANIE LASSLEY , mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/1/11 – 3/8/13	
		Accounting - \$738,087.15	2. Need Judicial Council form Blocking Order. California Rules of Court, Rule 7.101(a). Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday, July 12, 2013, 2013 at 9:00 a.m. in Department 303, for the filing receipt for blocked account. Friday, May 15, 2015 at 9:00 a.m. in Department 303, for the filing of the third account or petition Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
		Beginning POH - \$691,022.21	
		Ending POH - \$711,628.15 (\$54,628.15 is cash)	
Cont. from		Attorney - \$645.00 (per itemization and declaration for 6.45 hours @ \$200/hr. for a total of \$1,290 with from this guardianship estate and the other ½ being paid by the guardianship of Graceon Lassley page 2 of this calendar).	
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney costs - \$101.00 (certified copies)	
<input checked="" type="checkbox"/>	Verified	Guardian costs - \$435.00 (filing fee)	
<input type="checkbox"/>	Inventory	Scharton, Jones & German - \$760.00 (for preparation of taxes)	
<input type="checkbox"/>	PTC	Petitioner requests the authority to withdraw the balance of the Bank of America account and deposit it into a blocked account at Morgan Stanley for reinvestment into mutual funds authorized by Probate Code §2574. Morgan Stanley be authorized to disburse the sum of \$650.00 per month to Stephanie Lassley pursuant to Court order dated 3/19/2013.	
<input type="checkbox"/>	Not.Cred.	Petitioner prays for an Order:	
<input checked="" type="checkbox"/>	Notice of Hrg	5. Approving, allowing and settling the second account;	
<input checked="" type="checkbox"/>	Aff.Mail W/	6. Authorizing payments of attorney fees and costs;	
<input type="checkbox"/>	Aff.Pub.	7. Authorizing the guardian to transfer the remaining cash at Bank of America and place it into a blocked investment account at Morgan Stanley;	
<input type="checkbox"/>	Sp.Ntc.	8. Authorizing Morgan Stanley to disburse \$650.00 per month form the blocked account to Stephanie Lassley.	
<input type="checkbox"/>	Pers.Serv.		Reviewed by: KT Reviewed on: 6/10/2013 Updates: Recommendation: File 2 – Lassley
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petition to Compel Turnover of the Betty Ruth Cozby Trust Pursuant to Probate Code Section 16061.5 and for Damages and Attorney's Fees Pursuant to Probate Code Section 16061.9

		JANICE POTTER is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/16/13. As of 6/10/13 the following issue remains: 1. Need Order.
		Petitioner states she is an heir at law, and believes she is a beneficiary of the Betty Ruth Cozby Trust.	
		Betty Ruth Cozby died in April 2011.	
		Betty Cozby was unmarried and did not have children, and her parents and siblings predeceased her. Petitioner is a niece of Betty Cozby and heir at law under applicable Probate Code intestacy statutes.	
		Petitioner believes Betty Cozby's friend, Edward D. Reimer, is the named successor Trustee of the Betty Ruth Cozby Trust.	
		Upon the death of Ruth Cozby the Trust became irrevocable. Petitioner states she requested orally, and then more formally, through counsel, a copy of the Trust. The formal request was made on 8/17/2011. No response has been received to the request.	
		Probate Code §16061.5 provides that a trustee has a duty to provide a true and complete copy of the terms of an irrevocable trust, or irrevocable portion of a trust, to any beneficiary who requests it, and to any heir of a deceased settlor who requests it.	
		Wherefore, Petitioner seeks relief as follows:	
		1. For an Order compelling Edward D. Reimer to provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any;	
		2. For an Order compelling turnover of relevant information on the administration of assets of the Trust pursuant to Probate Code section 16061;	
		3. That Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting this petition.	
		Statement of Assets Held in The Betty Cozby Living Trust filed by Edward D. Reimer and Ola May Langley on 6/4/12.	
Cont. from 022912, 040412, 060412, 081312, 100412, 111512, 010413, 021513, 022213, 032913, 051613			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT
			Reviewed on: 6/10/13
			Updates:
			Recommendation:
			File 3A - Cozby

3B Betty Ruth Cozby Revocable (Trust)
Atty Campbell, Robert N (for Objector Janice Potter)
Atty Gilmore, David M. (for Petitioner/Trustee Edward D. Reimer and Ola Mae Langley)

Case No. 12CEPR00087

**Petition for Settlement of Account and Approval of Trustee Fees [Prob. C.
17200(b)(5)]**

		EDWARD D. REIMER and OLA MAE LANGLEY , Trustees, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 4/30/11 – 2/28/13 (22 months)	Continued from 5/16/2013. As of 6/10/13 the following issues remain:
Cont. from 051613			<ol style="list-style-type: none"> Petition was not signed or verified by Petitioner Ola Mae Langley. Probate Code § 1020 states the petition must be signed by all petitioners. It appears that the trustee (Edward Reimer) has paid himself an amount monthly (approximately \$3,000 per month) regardless of the time spent on trustee tasks. The Trustee declaration should clearly state the amount of time spent on each task and the hourly rate for the services performed. Disbursement schedule includes cell phone payments at approximately \$43 per month. Court may require clarification. Disbursement schedule includes payments to State Farm totaling \$436.14. Court may require more information regarding this disbursement. Order submitted includes a closing reserve of \$25,000.00 that was not included in the accounting presented to the court or noticed on all parties. Order submitted includes distribution of the assets to the various beneficiaries however the distribution was not included in the accounting presented to the court and noticed on all parties.
	Aff.Sub.Wit.	Accounting - \$945,634.96	
✓	Verified	Beginning POH- \$938,966.68	
	Inventory	Ending POH - \$849,957.59	
	PTC	Trustee - \$66,182.50	
	Not.Cred.	(already paid, requesting the court approve said fees)	
✓	Notice of Hrg		
✓	Aff.Mail	Attorney - \$3,908.85	
	W/O	(already paid)	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order	<ol style="list-style-type: none"> Finding that all facts stated in the Petition are true and that all notices required by law have been given. This account and report be settled, allowed and approved, and all acts and transactions of Reimer set forth in it, or relating to the matters set forth in it, be ratified, confirmed and approved; Compensation in the amount of \$66,182.50 already paid to Reimer be allowed and approved; The Trust be distributed pursuant to the terms of the Trust Agreement 	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
Please see additional page			Reviewed by: KT Reviewed on: 6/10/13 Updates: Recommendation: File 3B – Cozby

Objections to Trustee's Fees and Request for Attorney Fees and Costs filed by Janice Potter on 5/10/2013. Janice Potter states there are two issues that need to be resolved the first is the matter of Trustee's fees already taken by Trustee, Edward Reimer, which in her opinion are excessive, especially in light of the Trustee's performance in this matter and, second, the costs and attorney's fees Janice Potter has incurred in petition to get a copy of the Trust from Mr. Reimer, to get a statement of the Trust assets from him and, after that, to force him to account and get the Trust to the point of a distribution, something that took nine court appearances, and the threat of removal of Mr. Reimer on several occasions, to accomplish.

The Issue of Trustee's Fees

Mr. Reimer's seeks approval of \$66,182.50 in Trustee's fees he has already taken. The accounting reveals Mr. Reimer immediately started paying himself "round numbers", for example paying himself \$1,500.00 May 2, 2011 and \$500.00 May 23, 2011 and he continued this pattern right on through February of 2013 taking the total noted above.

Article XII of the Trust does provide that the Trustee is entitled to pay himself "reasonable compensation" from time to time without court approval, but the amounts taken by Mr. Reimer are clearly excessive.

Beginning assets for this Trust were, according to the accounting, \$938,966.68. That would mean the Trustee's fees charged by Mr. Reimer totaled about 7% of the total Trust assets, clearly an excessive amount, even if he had done a diligent job, which he clearly did not.

Using the time submitted by Mr. Reimer, he spent 93.6 hours to date on the Trust. At a generous rate of \$75.00 per hour, this would calculate out to \$7,042.50 in total Trustee's fees.

In summary on this point \$7,042.50, at most should be allowed in trustee's fees and the balance of the funds taken by Mr. Reimer (\$59,140.00) should be remitted by him to the trust. If the Court uses a percentage as a gauge for fees, as opposed to time, at 1% per annum the amount allowed for Trustee's fees should not exceed \$18,909.28.

The Issue of a Surcharge Against Trustee for Ms. Potter's Attorney Fees and Costs

As the Court will recall, Mr. Reimer, before he retained counsel, refused to provide Janice Potter a copy of the Trust, despite her being named as a Trust beneficiary. It to a Petition to get Mr. Reimer to retain counsel, who then secured a copy of the Trust for Ms. Potter. Mr. Reimer should be personally surcharged the attorney's fees and costs incurred by Ms. Potter to compel him to do what he was obligated to do, as a matter of law, from the start of his trusteeship.

The attorney fees and costs total \$7,238.96, which includes the filing fee and telephonic appearance fees.

Probate Code 16061.9 doe provide that the Trustee is responsible for damages, as well as liable for attorney's fees and costs, cause by the Trustee's failure to make reasonable diligent effort to comply with Section 16061.7. Here, the Trustee clearly did nothing, even a letter demanding the information from counsel, forcing Ms. Potter to petition the Court for relief.

The Court will no doubt recall he saga of getting Mr. Reimer to provide an accounting as well.

Please see additional page

Accordingly, under the above Code provisions and the facts of this case, Mr. Reimer should be surcharged the fees and costs incurred to compel him to do his job as Trustee, and to get us to the point of distribution.

Wherefore, Janice Potter requests:

1. That the Trustee be ordered to return excessive compensation taken by him to the Trust, in the sum of \$59,140.00;
2. That the Trustee be surcharged the attorney's fees and costs incurred by Ms. Potter in the amount of \$7,238.96, and that the same be paid to Ms. Potter
3. That the account otherwise be approved and the trustee ordered to make distribution.

Atty Janian, Paulette, of Shepard, Shepard & Janian (for Petitioner Wanda Coulter)

(1) First and Final Account and Report of Administration, Petition for Settlement, (2) for Mileage Reimbursement, (3) for Statutory Commissions and Fees to Executor and Attorney and (4) for Final Distribution [Prob. C. 10900; 10951; 11600; 10800; 10810; 11004; 11603; 11640]

DOD: 8/17/2012		WANDA COULTER , niece and Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 10/2/2012 – 4/30/2013	
		Accounting - \$337,304.78	
Cont. from		Beginning POH - \$332,425.25	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$314,415.57	
<input checked="" type="checkbox"/>	Verified	(\$313,245.57 cash)	
<input checked="" type="checkbox"/>	Inventory	Executor - \$9,746.10	
<input checked="" type="checkbox"/>	PTC	(statutory)	
<input checked="" type="checkbox"/>	Not.Cred.	Attorney - \$9,746.10	
<input checked="" type="checkbox"/>	Notice of Hrg	(statutory)	
<input checked="" type="checkbox"/>	Aff.Mail	Executor Costs- \$683.10	
	Aff.Pub.	(reimbursement @ .55 per mile, for travel mileage in excess of	
	Sp.Ntc.	1,242 miles from Fresno to Selma for estate matters including	
	Pers.Serv.	funeral arrangements, secure real property, preparing real	
	Conf. Screen	property for sale, banking matters, arrange/organize and	
	Letters	conduct yard sale, meetings with attorney and real estate	
	Duties/Supp	agent;)	
	Objections	Closing - \$2,500.00	
	Video Receipt	(closing expenses, preparation and filing of tax returns, any tax	
	CI Report	deficiencies;)	
<input checked="" type="checkbox"/>	9202	Distribution pursuant to Decedent's Will is to:	
<input checked="" type="checkbox"/>	Order	GLENNA DRAKE – \$32,285.59 cash;	Reviewed by: LEG
	Aff. Posting	ARTHUR WAHL – \$32,285.59 cash;	Reviewed on:
	Status Rpt	WANDA COULTER – \$32,285.59 cash;	6/10/13
	UCCJEA	VALLEY LIFE COMMUNITY CHURCH OF SELMA – \$32,285.59 cash;	Updates:
	Citation	MARJOREE MASON CENTER OF FRESNO – \$32,285.59 cash;	Recommendation:
<input checked="" type="checkbox"/>	FTB Notice	SALVATION ARMY – \$32,285.59 cash;	SUBMITTED
		FRESNO RESCUE MISSION MINISTRY – \$32,285.59 cash;	File 4 – Gilstrap
		CHRISTIAN BROADCASTING NETWORK – \$32,285.59 cash;	
		SAMARITAN'S PURSE – \$32,285.59 cash.	

Atty Esraelian, Robyn L., of Richardson, Jones & Esraelian (for Petitioner David Montgomery, Trustee)

Petition for Order Confirming that Property is a Trust Asset

DOD: 7/3/2012		DAVID MONTGOMERY, Trustee, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
Cont. from 051613		Petitioner states:		Continued from 5/16/2013. Minute Order [Judge Black] states Counsel requests a continuance. Matter continued to 6/13/2013. Counsel is directed to submit a declaration and provide the appropriate service.	
	Aff.Sub.Wit.		• Petitioner is the presently acting Successor Trustee of the WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST established 4/17/2007 (copy attached as Exhibit A);		
✓	Verified		• Trustor Wayne Robbins acted as Trustee until the appointment of MYRNA M. BOWMAN as Conservator of his Person and Estate on 10/7/2011;		
	Inventory		• In Article One of the Trust instrument, the Trustor declared that: "Wayne Allen Robbins ("Trustor") declares that he has set aside and holds in trust the property described in Schedule A, attached to this instrument" [emphasis in Petition]; (copy of Trust Schedule A attached as Exhibit B);		
	PTC		• Petitioner asserts that it was the intention of Wayne Allen Robbins, as Trustor and Trustee, that the property listed on Schedule A be assets of the Trust, and that the property be transferred to the Trust;		
	Not.Cred.		• On 11/6/2007, Trustor transferred the real property listed on Schedule A to the Trust (copy of Deed attached as Exhibit C);		
✓	Notice of Hrg		• Thereafter, Trustor and Myrna M. Bowman entered into a reverse mortgage secured by the property; for purposes of obtaining the reverse mortgage, the lender required that the real property be deeded out of the Trust; the lender then failed to return the property by deed to the Trust;		
✓	Aff.Mail	W/O	• At the time the Trustor executed the Trust, he signed an Assignment [effective 4/17/2007] that transferred all of his personal property, including vehicles, to the Trust (copy of Assignment attached as Exhibit D); at the time Trustor executed the Trust, he re-titled his account with Wells Fargo, Vanguard and Franklin Funds to the name of the Trust;		
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				
			~Please see additional page~		
			Reviewed by: LEG		
			Reviewed on: 6/10/13		
			Updates:		
			Recommendation:		
			File 5 – Robbins		

Petitioner states continued:

- Myrna M. Bowman, upon her appointment as Conservator, took title to the assets listed on Schedule A, other than the real property, and such assets are set forth on the *Inventory and Appraisal* filed in Case 11CEPR00750, Conservatorship of the Person and Estate of Wayne Allen Robbins, Jr. (copy of *Inventory and Appraisal* [titled "Reappraisal" and filed with the court on 2/24/2013] attached as Exhibit E);
- It was Trustor's intention and understanding that all of the property set forth on Exhibit E [the *Inventory and Appraisal*] was to be held in trust under the Trust; therefore, Petitioner believes that all of the property on Exhibit E [the *Inventory and Appraisal*] is subject to his control as Trustee;
- Petitioner requests the Court confirm that all of the property described on Exhibit E [the *Inventory and Appraisal*] are assets held in the Trust, and are under the control of the Petitioner as Trustee of the Trust;
- The Trustor's Last Will and Testament (copy attached as Exhibit F) provides that Trustor's entire estate shall go to the Trustee of the Trust, and further that his entire estate shall be added to, administered and distributed as part of that Trust, according to the terms of the Trust.

Petitioner prays for an Order that the property described on Exhibit E [the *Inventory and Appraisal*] is held in the Trust and is subject to the management and control of DAVID MONTGOMERY as Trustee of the WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST established 4/17/2007.

Declaration of Gary L. Winter in Support of Petition to Confirm Trust Assets filed 5/10/2013 states:

- He is counsel for **MYRNA M. BOWMAN**, as Conservator of his Person and Estate of Wayne Allen Robbins, Jr., Conservatee, Case # 11CEPR00750;
- On 7/3/2012, Conservatee was deceased;
- On 2/14/2013, he filed a *First Account and Second and Final Account and Report of Conservator of the Person and Estate [etc.]* as counsel for Conservator; on 3/21/2013, this Court approved the petition to close the Conservatorship, and on 4/3/2013 executed an Order which required the estate of the Conservatee to pay **\$6,839.94** to the Conservator; **\$514.29** to the Law Offices of Barrus & Roberts; **\$660.00** to Edward Fanucchi as counsel for Conservatee; **\$5,037.50** to Jeffrey S. James, CPA; and **\$11,376.14** to his office for legal services rendered to Conservator for the benefit of Conservatee's estate;
- The only remaining asset of the Conservatee's estate from which to pay fees are Vanguard Funds; the Vanguard accounts were listed on the *Inventory and Appraisal* as of the date of Conservator's appointment and as of the date of death of Conservatee;
- Post-appointment, the Vanguard Accounts were transferred to and titled in the name "Wayne A. Robbins Under Cons."
- Conservator has been in possession of a checkbook for Vanguard and she believed she could write checks to the parties entitled to fees out of the Vanguard Accounts; however, on 4/3/2013, Conservator contacted Vanguard by phone and was informed that the checkbook was for an old account, not the Vanguard Accounts, and was not usable;
- On 3/28/2013, David Montgomery (Petitioner) as Successor Trustee filed a Petition for Order Confirming that Property is a Trust Asset under Probate Code § 850 so that Conservator could deliver assets to the Trustee, and the Conservatee's estate could be settled through trust administration rather than through probate;

~Please see additional page~

Declaration of Gary L. Winter in Support of Petition filed 5/10/2013, continued:

- On 4/3/2013, he participated in a telephone call with Conservator and Vanguard informing them of the Court's order and requesting the sale of enough stock in the Vanguard Accounts to cover outstanding fees that Conservator had been ordered to pay; he was informed that Vanguard would be transferring the matter to a different group internally because the Conservatee was deceased; on 4/5/2013, he sent correspondence to Vanguard with a certified copy of the Court's order with the request for immediate sale of enough stock to pay fees; he has received no written response to this letter;
- On 4/29/2013, his assistant contacted a representative at Vanguard who informed his assistant that Vanguard had not and would not comply with the Court's Order because the Vanguard Accounts were beneficiary Individual Retirement Accounts and Conservator was not a named beneficiary; Vanguard would not reveal who the beneficiaries were;
- Accordingly, an issue has arisen as to the property destination for the Vanguard Accounts and who has the authority to liquidate stock to cover court-ordered fees;
- He submits this Declaration in Support of David Montgomery's *Petition* because he believes the Vanguard Accounts were an asset of the Conservatee, and should now be directed to Conservatee's Trust so that the Trustee can comply with the Court's Order in the Conservatorship and pay the outstanding fees and expenses of the Conservatorship;
- The Conservatee intended for the Vanguard Accounts to be subject to the Trustee's control because:
 - (1) The Vanguard Accounts are specifically described on Schedule A of the Trust, and such description includes the account numbers and ticker symbols of all Conservatee's Vanguard Funds;
 - (2) On 4/17/2007, Conservatee executed a pour-over Will directing the residue of his entire estate to the Trust; and
 - (3) Article Two of the Trust provides that "(a)ll property subject to this instrument from time to time, including the property listed on Schedule A, is referred to as the trust estate and shall be held, administered and distributed according to this instrument;
- Article Four (B) provides: "(a)fter the Trustor's death, the Trustee may pay out of the trust estate the Trustor's last illness and funeral expenses, debts, and the expenses of administration of the Trustor's probate estate."
- The fact that there may be named beneficiaries of the Vanguard Accounts should not prevent the Court from approving the instant Petition to Confirm Trust Assets;
- The beneficiary may actually be the Trustee; even if the beneficiary is not the Trustee, the Court has the authority to override a beneficiary designation and confirm the Vanguard Accounts are Trust assets [citation omitted]; here, we have more than just a general assignment to show Conservatee's intent to subject the Vanguard Accounts to Trustee's direction and control; we have a specific reference to the Vanguard in Schedule A, including the account numbers and ticker symbols;
- He believes the facts, the record, and the law support that the Vanguard Accounts were intended to be Trust assets and subject to the Trustee's control;
- It was not retitled to the name of the Trust upon the making of the Trust for reasons we do not know, but we can be certain that the Conservatee intended it to be subject to the direction and control of Trustee and the Trustee has power to pay and should pay, the expenses of Conservatee's estate in compliance with the Court's Order in that case;
- The Court should confirm the Vanguard Accounts and other assets of Conservatee's estate so that Conservatee's wishes may be carried out and the final expenses of Conservatee's estate be promptly paid.

Age: 20		NO TEMP REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		KARIN TIMMERMAN , Mother, is Petitioner and requests appointment as Conservator of the Person and Estate without bond with additional orders/powers as follows:		Court Investigator advised rights on 5-28-13.	
				Voting rights affected – need minute order.	
	Aff.Sub.Wit.			1. The proposed Conservatee is developmentally disabled. Therefore, need proof of service of Notice of Hearing with a copy of the petition at least <u>30 days</u> prior to the hearing on CVRC pursuant to Probate Code §1822(e).	
✓	Verified		• Orders relating to the capacity of the proposed Conservatee under Probate Code §§1873 or 1901	2. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1824 <u>directly to the proposed Conservatee.</u>	
	Inventory		• Orders related to the power and duties of the proposed conservator under Probate Code §§ 2351-2358	<i>Note: Proof of service of Citation filed 6-10-13 indicates that Tresha Lishbrook, LVN, was served on behalf of Taylor Jacob Adam. However, direct service is required pursuant to Cal. Rules of Court 7.51.</i>	
	PTC		• Medical consent powers under Probate Code §2355	3. The Court may require clarification regarding the additional powers requested under Probate Code §§ 1873, 2351-2358, 2591.	
	Not.Cred.		• Powers under Probate Code §2591	<i>Note: It appears Petitioner is requesting powers specifically associated with dementia medication and placement. However, the dementia attachment is not provided, and dementia is not addressed by either doctor in the Capacity Declarations.</i>	
✓	Notice of Hrg				
✓	Aff.Mail	W			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.	X			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
✓	Order				
		Voting rights affected			
		Two Capacity Declarations have been filed.			
		<p>Petitioner states the proposed Conservatee has been diagnosed with autism, hydrocephalus, cerebral palsy, and is significantly developmentally disabled. He has severe memory impairment and severely disorganized thinking. He is unable to provide for his personal needs or manage financial resources or resist fraud or undue influence. He is unable to make his desires known or make any decisions.</p> <p>Court Investigator Jo Ann Morris filed a report on 5-29-13.</p>			
				Reviewed by: skc	
				Reviewed on: 6-10-13	
				Updates: 6-12-13	
				Recommendation:	
				File 6 – Adams	
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation	X			
	FTB Notice				

Age:			NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> (Set in error)	
DOD:				
Cont. from				
	Aff.Sub.Wit.			
	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 6-10-13
				Updates:
		Recommendation:		
		File 7 – Silberstein		

Petition for Transfer

Age: 74		<p>THE GOOD SHEPHERD FUND, a private professional fiduciary, is Conservator of the Person and Estate. Dan T. Jett, Executor Director, is the responsible corporate officer.</p> <p>Limited Conservatorship of the Person and Estate was established in San Bernardino County in 1981 and transferred to Fresno Superior Court in 2002. The Good Shepherd Fund has been Conservator since 1987.</p> <p>On 8-17-12, the Conservator filed a Post-Move Notice of Change of Residence of Conservatee, indicating that the Conservatee now resides in a care home in Ahwahnee, CA. (Madera County), and is not expected to return to Fresno.</p> <p>On 5-6-13, Fresno Superior Court Investigator Julie Negrete filed this Petition for Transfer stating that Madera County is appropriate venue because the Conservatee has moved to Madera County. It is recommended that fees and costs related to this petition be waived.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The Post-Move Notice of Change of Residence filed 8-17-12 by the Conservator was not served on any relatives or CVRC pursuant to Probate Code §§ 2352(e)(2) and 1822(e).</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: skc</p> <p>Reviewed on: 6-10-13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Havens</p>	

Petition for Transfer

Age: 63		THE GOOD SHEPHERD FUND was appointed conservator of the Person and Estate on 09/03/91.	NEEDS/PROBLEMS/COMMENTS:
		Court Investigator JULIE NEGRETE filed a Petition for Transfer on 05/06/13 requesting this proceeding be transferred to Tulare County because the conservatee has resided in that county for over 17 years, and it is presumed pursuant to Probate Code § 2215, that transfer of the conservatorship case to the county of residence is in the best interest of the conservatee.	<p>Note: If the Petition is granted, a Status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, August 9, 2013 at 9:00am in Dept. 303 for confirmation of receipt of transfer. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from		Court Investigator further recommends that the fees and costs related to this transfer be waived.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 06/10/13
			Updates:
			Recommendation:
			File 9 – Anderson

		DORA HERNANDEZ , maternal grandmother, appointed guardian on 6/28/2007, is petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> <u>PETITION DISMISSED ON</u> <u>06/10/2013</u>	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			X
	Aff.Mail			X
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: LV	
			Reviewed on: 06/10/2013	
			Updates:	
			Recommendation:	
			File 10 – Hernandez & Garcia	

Age: 11		<u>NO TEMPORARY REQUESTED</u>		NEEDS/PROBLEMS/COMMENTS:	
		JACQUELINE ANN DOWNS , paternal grandmother, is petitioner.		1. Need Notice of Hearing.	
		Father: ROBERT FRANK BUTLER, II ; consents and waives notice.		2. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:	
Cont. from		Mother: MEGHANN KATHERINE KERN , consents and waives notice.		<ul style="list-style-type: none"> Robert Frank Butler (Paternal Grandfather) – Unless the Court waives notice. 	
<input type="checkbox"/>	Aff.Sub.Wit.				
✓	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input type="checkbox"/>	Notice of Hrg	x		Note: Declaration of Due diligence filed 04/17/2013 states Robert F. Butler has been estranged from his family for about 25 years due to his criminal past and present. His whereabouts are unknown.	
<input type="checkbox"/>	Aff.Mail	x			
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input type="checkbox"/>	Pers.Serv.	n/a			
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
✓	CI Report				
<input type="checkbox"/>	9202				
✓	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
✓	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				
				Reviewed by: LV	
				Reviewed on: 06/10/2013	
				Updates:	
				Recommendation:	
				File 11 – Kern-Butler	

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Age: 1		<u>GENERAL HEARING 07/30/2013</u>		NEEDS/PROBLEMS/COMMENTS:	
		<p>VICKY VANG, paternal aunt, is petitioner.</p> <p>Father: KER VANG, consents and waives notice.</p> <p>Mother: ONG LOR, personally served on 06/05/2013.</p> <p>Paternal Grandfather: Not Listed Paternal Grandmother: Chong Yang, consents and waives notice.</p> <p>Maternal Grandparents: Not Listed</p> <p>Petitioner states: the child is being neglected by his mother. He has scrapes and scratches on his forehead and is left alone with his siblings for several hours every evening. Petitioner states that the father and mother along with their children moved in with the petitioner in December of 2012. Beginning January 2013 the family moved into the apartment next door. Petitioner states that beginning January 14, 2013 she began caring for the children while the parent's worked however was never compensated as promised by the mother. On March 19, 2013 the petitioner alleges that the mother left the country and upon her return the parents split up and the father moved in with the petitioner. Petitioner strongly believes that mother is unfit, she is always on her phone for long periods of time, she has been verbally abusive towards her children. On May 3, 2013 the mother forbid the petitioner from taking care of the children and would not allow them to go over to the petitioner's home. Since May 6, 2013 the mother has been leaving the children home alone for hours at a time with the eldest child that is 14 years old. On May 17, 2013 the child, Ranger Vang, was dropped off at the petitioner's home with insect bites on his left arm. On May 24, 2013 the child was dropped off at the petitioner's home with large scrapes and scratches on the left side of his forehead.</p> <p>Declaration of Vicky Vang filed 06/05/2013 provides pictures of the child's scrapes and scratches while under the care of the mother.</p>		<p>1. Page #5 of the Guardianship Petition – Child Information Attachment (GC 210(CA)) which pertains to whether the child has Native American Ancestry was not completed. Need declaration with Page #5 attached.</p> <p>2. The UCCJEA provides the child's residence from 01/2013 to present. It does not provide where the child has been residing prior to that since birth as required.</p>	
Cont. from					
<input type="checkbox"/>	Aff.Sub.Wit.				
<input checked="" type="checkbox"/>	Verified				
<input type="checkbox"/>	Inventory				
<input type="checkbox"/>	PTC				
<input type="checkbox"/>	Not.Cred.				
<input checked="" type="checkbox"/>	Notice of Hrg	<p>Reviewed by: LV</p> <p>Reviewed on: 06/11/2013</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 12 – Vang</p>			
<input type="checkbox"/>	Aff.Mail				
<input type="checkbox"/>	Aff.Pub.				
<input type="checkbox"/>	Sp.Ntc.				
<input checked="" type="checkbox"/>	Pers.Serv.				
<input checked="" type="checkbox"/>	Conf. Screen				
<input checked="" type="checkbox"/>	Letters				
<input checked="" type="checkbox"/>	Duties/Supp				
<input type="checkbox"/>	Objections				
<input type="checkbox"/>	Video Receipt				
<input type="checkbox"/>	CI Report				
<input type="checkbox"/>	9202				
<input checked="" type="checkbox"/>	Order				
<input type="checkbox"/>	Aff. Posting				
<input type="checkbox"/>	Status Rpt				
<input checked="" type="checkbox"/>	UCCJEA				
<input type="checkbox"/>	Citation				
<input type="checkbox"/>	FTB Notice				